

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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IN THE MATTER OF THE DISCIPLINARY
PROCEEDINGS AGAINST

IRENE POLLACK, LPN
RESPONDENT.

FINAL DECISION AND ORDER
LS00051912NUR

The parties to this action for the purposes of sec. 227.53, Wis. Stats., are:

*Irene Pollack, LPN
1087 County Hwy II
Sparta, Wisconsin 54656*

*Wisconsin Board of Nursing
1400 E. Washington Avenue
P.O. Box 8935*

*Madison, WI 53708-8935
Department of Regulation and Licensing
Division of Enforcement
1400 E. Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935*

The parties in this matter, Irene Pollack, LPN, Respondent and Pamela M. Stach, Attorney for the Department of Regulation and Licensing, agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Wisconsin Board of Nursing. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Irene Pollack LPN, Respondent herein, of 11087 County Hwy II, Sparta, Wi 54565, whose date of birth is February 21, 1937, is currently licensed by the State of Wisconsin Board of Nursing as a licensed practical nurse under license number 32186 which was granted on November 20, 1993.
2. Respondent has been employed at Rolling Hills Rehabilitation Center in Sparta, Wisconsin as a certified nursing assistant from 1967 through 1993 and as a licensed practical nurse from 1993 through the present.
3. On January 11, 1999, at 8:45 p.m., patient JM was found by a CNA in a bathroom of the Rolling Hills Rehabilitation Center in Sparta, Wisconsin, with labored breathing and white extremities.
4. Respondent, who was assigned as charge nurse, was contacted by the CNA on duty and attempted to obtain an oxygen reading. The attempt was initially unsuccessful.
5. Respondent contacted her supervisor and they attempted to administer oxygen and obtain vital signs from the patient. The patient was agitated and continued to exhibit heavy respiration. His oxygen level was 78% at this time. Oxygen was ultimately administered.

6. At 9:15 p.m., when no change was noted in the patient's condition, Respondent contacted an ambulance service to transport the patient to the hospital.
7. Shortly thereafter patient JM suffered cardiac arrest.
8. Patient JM was a full code.
9. Despite the full code, Respondent did not perform CPR on the patient nor did she advise the ambulance personnel when she contacted them of the patient's critical care choice of full code.
10. Patient JM expired as the ambulance personnel arrived. Respondent again did not advise the ambulance personnel of the full code.
11. Respondent admits responsibility for failing to advise ambulance personnel of the full code and for failing to administer CPR when appropriate.

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction in this matter pursuant to sec. 441.07(1) stats.
2. The Wisconsin Board of Nursing has the authority to resolve this matter
by stipulation without an evidentiary hearing pursuant to sec. 227.44(5) stats.
3. Respondent's failure to advise necessary personnel of the patient's full code status and her failure to initiate CPR when the patient's condition required such action constitutes a violation of sec. N 7.03(1) (b).

ORDER

NOW, THEREFORE, IT IS ORDERED that the Stipulation of the parties, as attached hereto, is accepted.

IT IS FURTHER ORDERED, that Irene Pollack LPN is hereby REPRIMANDED.

IT IS FURTHER ORDERED THAT Irene Pollack's license to practice as a
licensed practical nurse is hereby LIMITED on the following terms and conditions:

1. Within six months of the effective date of this Order, Irene Pollack, LPN shall participate in and successfully complete a course, of at least four hours, in nursing ethics. Such course shall emphasize requirements that a nurse be familiar with the patients' critical care choices and implement those choices as necessary.
2. A description of the course content and parameters shall be submitted to the Board of Nursing, or its designee, for approval prior to commencement of the program.
3. Irene Pollack, LPN shall permit the person/s conducting the programs to provide written evaluation of her participation in and successful completion of the course.
4. All costs of the program shall be the responsibility of Irene Pollack, LPN.
5. Requests for preapproval and all documentation of successful completion of the course shall be submitted to:

Department Monitor

Division of Enforcement

Department of Regulation and Licensing

P.O. Box 8935

Madison, Wisconsin 53708-8935

FAX: (608) 266-2264

TEL: (608) 267-1805

IT IS FURTHER ORDERED THAT this Order becomes effective upon the date of its signing.

The rights of a party aggrieved by this Final Decision and Order to petition the Wisconsin Board of Nursing for rehearing and to petition for judicial review are set forth in the attached "Notice of Appeal Information."

Dated at Madison, Wisconsin this 19th day of May, 2000.

WISCONSIN BOARD OF NURSING

By:

Ann Brewer, RN

A Member of the Board